

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

IN RE: Daniel Maurice Fowler

Marsha Dean W Fowler

CASE NO: 05-10053-HB

CHAPTER 13

Debtor(s).

MOTION FOR SANCTIONS TO REIMBURSE CHAPTER 13 ESTATE

COMES NOW, the above-named debtors, by and through their attorney of record, and respectfully move this Court to order reimbursement of the Chapter 13 estate by sanctioning First Federal Savings and Loan in the amount of debtors' additional attorney fees that have been incurred for filing and prosecution of debtors' necessary emergency Motion to Disable Public Access, which was granted by this Court on March 17, 2008.

1. Debtors' attorney has filed a proof of claim on March 27, 2008, which included attorney fees in the amount of \$275.00 for the Motion to Disable Public Access.
2. In addition, Debtor's attorney will supplement that claim in the amount of \$200.00 for preparation and filing of this present motion to reimburse the Chapter 13 estate, plus any fees or costs necessary related to any hearing or other necessary work on this present motion.
3. Although the work mentioned above was caused by the failure of First Federal to properly redact attachments to two documents that they have filed with this Court, First Federal has not offered to reimburse the Chapter 13 estate for the cost of that extra work that was necessary and beneficial to the debtors.
4. It is equitable that First Federal bear the cost of this extra work.
5. The bankruptcy court has authority to order reimbursement of the Chapter 13 estate by way of sanctions pursuant to the inherent authority of the Court, 11 U.S.C. 105(a), and 28 U.S.C. 1927.
6. In the event that First Federal agrees to assume responsibility for the costs that have been incurred in relation to this emergency motion and wishes to mitigate the damages that the debtor has thereby incurred, then First Federal may send to the Chapter 13 trustee the amount of \$475.00 before any hearing scheduled on this motion and avoid the debtor having to incur additional expenses against the Chapter 13 estate.
7. Upon notice that the trustee has received the above amount, the debtors agree to withdraw this motion prior to any hearing scheduled in this matter.

WHEREFORE, the debtors respectfully pray of this Court as follows:

- A) That the Court schedule a hearing on this motion.
- B) That the Court approve the Debtor's attorney fees requested herein for the work on this matter, since it was beneficial and necessary for the debtor.
- C) That the Court order First Federal to reimburse the Chapter 13 estate for the amount of these debtor attorney fees.
- D) For such other relief as is just and proper.

Dated this March 28, 2008.

/s/ John R. Cantrell, Jr.

John R. Cantrell, Jr.

Attorney for Debtor(s)

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